



Montana Fish, Wildlife & Parks

Region 2
3201 Spurgin Road
Missoula, MT 59804
March 29, 2016

Dear Interested Citizens:

Thank you for your consideration and/or comments on a proposal by Montana Fish, Wildlife & Parks (FWP) to enter into a 10-year Cooperative Habitat Management Lease Agreement with the Pocha Ranch in Powell County. This lease would involve 70 acres of FWP's Aunt Molly Wildlife Management Area and 53 acres of Blackfoot River riparian land on the Pocha Ranch.

Enclosed is a decision document in which FWP explains its rationale for choosing the Proposed Action alternative and recommending that the Fish & Wildlife Commission approve this cooperative habitat management lease agreement as proposed. Upon completion of the public involvement process and by including this Decision Notice, FWP accepts the draft environmental assessment (EA) as final.

FWP will request approval for the lease agreement from the Fish & Wildlife Commission at its scheduled meeting on April 14, 2016, in Helena. This meeting is open to the public, as are other regularly scheduled Commission meetings.

Please feel free to contact me at 406-542-5500 with any questions you may have. Thank you for your interest and participation.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Arnold". The signature is fluid and cursive, with the first name "Randy" and last name "Arnold" clearly distinguishable.

Randy Arnold
Regional Supervisor

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***Montana Fish,
Wildlife & Parks***

**Decision Notice for
Aunt Molly Wildlife Management Area and Pocha Ranch
Cooperative Habitat Management Lease Agreement
Draft EA**

Prepared by:
Montana Fish, Wildlife and Parks
Region 2 Wildlife
3201 Spurgin Road, Missoula, MT 59804
March 29, 2016

DESCRIPTION OF PROPOSED ACTION ALTERNATIVE

Montana Fish, Wildlife & Parks (FWP) proposes to enter into a 10-year Cooperative Habitat Management Lease Agreement (hereafter, Management Agreement or Lease), with the Pocha Ranch (John Pocha or Lessee) in Powell County.

Under the Proposed Action Alternative, the Pocha Ranch would have limited use for wintering livestock and grazing (cattle) or haying of approximately 70 acres of dry-land tame-grass pasture located on the Aunt Molly Wildlife Management Area (AMWMA). In exchange, 53 acres of Blackfoot River riparian habitat, owned by the Pocha Ranch, would be managed as part of the WMA. This Lessee's parcel would be managed for wildlife habitat and would be open for public hunting and recreational opportunity that is consistent with public use rules on the adjoining AMWMA.

Historically the 70-acre cultivated pasture on AMWMA was used for haying and seasonal grazing prior to FWP taking over ownership. After FWP purchased the land, the Pocha Ranch continued to lease the pasture from FWP. The pasture has not been cultivated or planted for several years and the resulting condition is a stagnant dry-land pasture that provides inadequate cover for nesting migratory birds and marginal forage for deer and elk. Under this proposed agreement the Lessee would be required to manage weeds and maintain fences on the 70-acre AMWMA parcel, while excluding grazing from the Lessee's 53-acre property along the Blackfoot River and providing walk-in recreational access on the Lessee's land and through that acreage to the WMA.

Specifically, the proposed action would allow the AMWMA hayfield to be available for Pocha Ranch use annually from January 1 to May 1. During this time, the Lessee may use the hayfield at his discretion for feeding hay to cow:calf pairs. From May 1-July 14 (green up) all cattle

would be excluded from the 70-acre WMA pasture and allowed to return from July 1-September 1. Additionally, the Pocha Ranch would have the option to plant the pasture using a seed mix that is cooperatively agreed upon with FWP. Tilling would occur during the fall dormant season and planting would occur during fall or spring. The Lessee would be required to manage for weeds and maintain fences on the 70-acre WMA parcel during the proposed 10-year term of this agreement. Purchase of grass seed would be negotiated between the parties.

In exchange for use of this portion of the AMWMA, a 53-acre portion of the Pocha Ranch would be managed by FWP as part of the WMA. Consistent with the WMA, this would entail idling from livestock grazing and providing public access for hunting and other recreation as allowed by AMWMA rules. Currently, the grazing schedule on this river bottom parcel allows grazing to occur at anytime, each and every year. Excluding grazing would allow riparian vegetation to mature, resulting in improved wildlife cover, increased river bank stability, and decreased sediment delivery to the Blackfoot River. Increased vegetation would provide nesting habitat for riparian-associated migratory birds, as well as cover for deer and a dense concentration of grizzly bears.

Additionally, the 53-acre Pocha Ranch parcel would provide land access to an isolated portion of AMWMA that is effectively landlocked to all but stream access. (Montana FWP would be responsible for maintaining temporary fences to keep cattle out and posting boundary signs.) Lands in the section-33 portion of AMWMA are separated from the rest of the WMA because these are located “catty-corner” to the section-32 WMA lands (see map inset in lower left corner of Appendix Figure 1 in the Draft EA). The section-33 portion of the WMA may be legally accessed by the public from WMA land in section 32--by strictly staying within (between) the high-water marks of the Blackfoot River as it passes through any private land--for *water-related* recreational activities under Montana’s Stream Access Law (§§ 23-2-301 through -322, Montana Code Annotated). Relative to corner crossing, the *Montana Access Guide to Federal and State Lands*¹ states, “Corner crossing (such as at section corners) in checkerboard land patterns is not recommended. Recreationists are advised to obtain permission from the adjacent landowner to reduce conflict and ensure compliance with applicable access laws and rules.” Therefore, FWP does not recommend corner crossing from its section-32 land to get to its section-33 land, but the cooperative habitat management lease agreement would enable crossing from FWP’s section-32 lands into its section-33 lands.

ALTERNATIVES CONSIDERED TO THE PROPOSED ACTION

No Action:

Under the no action alternative, FWP would not enter into a 10-year Cooperative Habitat Management Lease Agreement with the Pocha Ranch. The Pocha Ranch would not have use of the 70-acre Aunt Molly WMA pasture and they would continue to graze their Ranch’s riparian parcel on an annual basis. The public would not gain land access from AMWMA’s lands in section 32 to those in section 33.

¹ Available from this FWP webpage <http://fwp.mt.gov/hunting/hunterAccess/toolkit.html> Accessed 22 Feb 2016.

MONTANA ENVIRONMENTAL POLICY ACT PROCESS

FWP is required to assess impacts to the human and physical environment under the Montana Environmental Policy Act (MEPA). The Aunt Molly WMA and Pocha Ranch Cooperative Habitat Management Lease Agreement proposal and its effects were documented by FWP in a Draft Environmental Assessment (EA).

PUBLIC REVIEW PROCESS

FWP is required by MEPA to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information. FWP released a Draft EA for public review of the Aunt Molly WMA and Pocha Ranch Cooperative Habitat Management Lease Agreement proposal on February 23 and accepted public comment until March 23, 2016. This comment period was 30 days.

Legal notice of the proposal and availability of the Draft EA was published once each in the *Independent Record* (Helena, February 24), *Missoulian* (February 23), and *Silver State Post* (Deer Lodge, March 2) newspapers.

FWP mailed 13 copies of the Draft EA, and emailed approximately 49 notifications of the EA's availability, to adjacent landowners, interested individuals, groups and agencies. The EA was available for public review and comment on FWP's web site (<http://fwp.mt.gov/>), "Recent Public Notices" and "Submit Public Comments") from February 23 through March 23, 2016.

SUMMARY OF PUBLIC COMMENT

FWP received one public comment, which supported this proposal:

I support the Aunt Molly WMA and Pocha Ranch Lease. This looks like a win/win for everyone. I also like it when neighbors act like neighbors and do what's best for everyone!!!! Good job.

FINDING OF NO SIGNIFICANT IMPACT

FWP has reviewed the EA and applicable laws, regulations, and policies and has determined that this action will not have significant effect on the human environment. Therefore, I conclude that the EA is the appropriate level of analysis and the preparation of an Environmental Impact Statement is not necessary.

DECISION

Based on the analysis in the Draft EA and lack of public comment opposing or suggesting changes to the Proposed Action, I have selected the Proposed Action alternative. FWP will enter in a 10-year Cooperative Habitat Management Agreement involving FWP land (70 acres in Aunt Molly WMA) with the Pocha Ranch (involving 53 acres of private land). FWP will allow

partial-year grazing on its pasture (with the Pocha Ranch required to manage for weeds and maintain fencing). In exchange, the Pocha Ranch acreage would be idled year-long from livestock grazing, and public use would be allowed consistent with adjoining AMWMA public use rules.

CONCLUSION

By notification of this Decision Notice, the draft EA is hereby made the final EA. The finding of selection for the Proposed Action alternative is the product of this Decision Notice.



Randy Arnold
Regional Supervisor

3-29-2016

Date